

**CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 18, 1996
7:00 P.M.**

1. ROLL CALL

Present: Council Members - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Interim Deputy City Manager Christofferson, City Engineer Prima, Community Development Director Bartlam, Electric Utility Director Vallow, Parks Superintendent Dauber, City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Gary Wall, Vinewood Community Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Warner.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Warner presented the Municipal Treasurer's Association (MTA) Investment Policy Certification Program Award to Revenue Manager, Marcella Maxine Cadwallader, from the Finance Department. Mrs. Cadwallader expressed that it was an honor to accept the award on behalf of the City of Lodi. MTA, which is comprised of members of municipal government from the United States and Canada, provides training to treasurers and staff and apprises treasurers of legislation regarding investment of public funds.

FILE NO. CC-21(a)

- b) Mayor Warner presented a proclamation to Steve Dial with San Joaquin County Council of Governments (COG) proclaiming the week of October 7 - 11, 1996 as "California Rideshare Week '96" in the City of Lodi.

FILE NO. CC-37

- c) Mayor Warner presented a proclamation to Joe Bagley with the Lodi Industrial Group proclaiming the week of September 16 - 22, 1996 as "Pollution Prevention Week" in the City of Lodi.

FILE NO. CC-37

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Sieglock, Pennino second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$3,786,241.52.

FILE NO. CC-21(a)

- b) The Minutes of September 4, 1996 (Regular Meeting) were approved as written.

- c) Received a report regarding the sale of scrap metal in the amount of \$3,907.82.

FILE NO. CC-20 AND CC-47

- d) Received a report that there is no need to establish the 1996/97 rate for bond interest and redemption as the Municipal Improvement Bonds approved in 1965 matured during 1995/96.

FILE NO. CC-6 AND CC-21(a)

- e) Agenda item #E-5 entitled, "Approve preparation of plans and specifications and authorize advertisement for bids for standby generators at water well sites 22, 23 and 24" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Sieglock.)

- f) Adopted Resolution No. 96-125 approving the plans and specifications for bids for asphalt concrete overlay for the southbound lanes of Hutchins Street, Kettleman Lane to Harney Lane, and approved Program Supplement Agreement No. 038 to Local Agency-State Agreement No. 10-5154 covering construction engineering and construction for this project. **Council Member Davenport stated for the record his dissent on this item because there were no plans or specifications and because there was no cost breakdown.**

FILE NO. CC-12.1(c), CC-90 AND CC-300

- g) Approved plans and specifications for bids for Central City Revitalization downtown underground utilities improvements and authorized advertising for bids. **Council Member Davenport stated for the record his dissent on this item because there were no plans or specifications and because there was no cost breakdown.**

FILE NO. CC-12.1(c)

- h) Approved plans and specifications for bids for lane line painting, various City streets, 1996 and authorized advertising for bids. **Council Member Davenport stated for the record his dissent on this item because there were no plans or specifications and because there was no cost breakdown.**

FILE NO. CC-12.1(c)

- i) Approved specifications for bids for forms burster/imprinter/output stacker for Finance Department's Accounting Division and authorized advertising for bids. **Council Member Davenport stated for the record his dissent on this item because there were no plans or specifications and because there was no cost breakdown.**

FILE NO. CC-12.1(c)

- j) Adopted Resolution No. 96-126 awarding the bid for the purchase of 30 padmount transformers to the bidders whose proposals and equipment met City of Lodi specifications, and whose transformers are expected to yield the lowest overall life-cycle costs, Cooper Power Systems of Milwaukee, WI, in the 25KVA and 75KVA sizes (\$20,319.50); Western States Electric in the 112.5KVA, 225KVA, 500KVA and 1000KVA sizes (\$86,537.26), and GE Supply Company of Sacramento in the 300KVA and 750KVA sizes (\$33,198.86).

FILE NO. CC-12(d) AND CC-300

- k) Adopted Resolution No. 96-127 awarding the bid for the purchase of 43 polemount transformers to the bidders whose proposals and equipment met City of Lodi specifications, and whose transformers are expected to yield the lowest overall life-cycle costs, Cooper Power Systems of Milwaukee, WI, in the 15KVA and 50KVA conventional sizes (\$3,452.31); Wesco Distribution of San Francisco in the 100KVA conventional sizes, and the 15KVA, 25KVA and 37.5KVA circuit-protected sizes (\$16,104.32); and to Sierra Sales Engineering of Pleasanton (Kuhlman Electric, Versailles, KY) in the 50KVA CP category (\$20,019.95).

FILE NO. CC-12(d) AND CC-300

- l) Adopted Resolution No. 96-128 awarding the bid for the purchase of seven 12KV padmounted switchgear units to Trayer Engineering Corporation of San Francisco, CA in the amount of \$129,504.90.
FILE NO. CC-12(d) AND CC-300
- m) Adopted Resolution No. 96-129 authorizing the purchase of office systems furniture, utilizing both the Stanislaus County and League of California Cities contracts with Haworth, Inc. through the Warden's Office of Stockton for installation in the Management Information Systems (MIS) Division of the Finance Department. Total cost of purchase and installation will be \$24,340.86.
FILE NO. CC-12(d) AND CC-300
- n) Adopted Resolution No. 96-130 awarding the sole source purchase of Harley Davidson motorcycles through Harley Davidson of Stockton in the amount of \$12,590 for the Police Department.
FILE NO. CC-12(d) AND CC-300
- o) Agenda item #E-15 entitled, "Purchase of photocopy machine for Lodi Police Department Records Unit" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)
- p) Adopted Resolution No. 96-132 awarding the contract for Legion Park improvements, 835 South Hutchins Street to A. M. Stephens Construction Company of Lodi, in the amount of \$213,679.00 and appropriated funds in accordance with staff recommendation.
FILE NO. CC-12(a), CC-27(c) AND CC-300
- q) Agenda item #E-17 entitled, "Personal services contract with R. W. Beck and Associates to assist the Electric Utility Department in long-range competitive planning" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)
- r) Agenda item #E-18 entitled, "Agreement with McCaw Communications of Stockton, Inc. for lease of property at 2101 West Turner Road" was pulled from the agenda pursuant to staff's request.
- s) Authorized the City Manager to execute the agreement with CRSS Constructors, Inc. for the purpose of performing contract scheduling review on the Hutchins Street Square Conference and Performing Arts Center Project.
FILE NO. CC-14(e), CC-27(e) AND CC-90
- t) Agenda item #E-20 entitled, "No-parking zones at Wine Country Plaza, Kettleman Lane west of Ham Lane" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)
- u) Agenda item #E-21 entitled, "Electric Rate Schedule I1, General Service - Group 5 - Commercial/Industrial - Optional" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Sieglock.)
- v) Adopted Resolution No. 96-135 receiving the Memorandum of Understanding (MOU) between the City of Lodi and the Police Officers Association of Lodi (POAL) for the period from October 7, 1996 through October 3, 1999.
FILE NO. CC-34 AND CC-300

- w) Adopted Resolution No. 96-136 approving the salary increases for Police supervisory/mid/senior management.
FILE NO. CC-34 AND CC-300
 - x) Adopted Resolution No. 96-137 approving the amended job specification and title change from Transit Coordinator to Transportation Manager.
FILE NO. CC-34 AND CC-300
 - y) Authorized Mayor Warner to send a letter to the Governor regarding AB 2797 - Education Revenue Augmentation Fund.
FILE NO. CC-6 AND CC-28
 - z) Adopted Resolution No. 96-138 designating the Mayor as Voting Delegate and the Mayor Pro Tempore as Voting Alternate for all future League of California Cities and National League of Cities annual business meetings.
FILE NO. CC-7(i), CC-7(r) AND CC-300
 - aa) Adopted Resolution No. 96-139 approving the City's annual investment policy and internal control guidelines.
FILE NO. CC-21(a) AND CC-300
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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Sieglock, Mann second, unanimously approved the preparation of plans and specifications for bids for standby generators at water well sites 22, 23 and 24 and authorized advertisement for bids.
FILE NO. CC-12.1(c)
- b) The City Council, on motion of Council Member Pennino, Sieglock second, adopted Resolution No. 96-131 awarding the purchase of a photocopy machine for the Records Section of the Lodi Police Department by the following vote:

Ayes: Council Members - Mann, Pennino, Sieglock and Warner (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-12(d) and CC-300
- c) The City Council, on motion of Council Member Sieglock, Mann second, unanimously adopted Resolution No. 96-133 authorizing the Electric Utility Director to enter a personal services contract with R. W. Beck and Associates to assist the Electric Utility Department in long-range competitive planning.
FILE NO. CC-51(d), CC-90 AND CC-300
- d) The City Council, on motion of Council Member Pennino, Sieglock second, adopted Resolution No. 96-134 approving the installation of no-parking zones on Kettleman Lane west of Ham lane, adjacent to the driveway servicing Wine Country Plaza by the following vote:

Ayes: Council Members - Mann, Pennino, Sieglock and Warner (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-48(e) AND CC-300

- e) The City Council, on motion of Council Member Sieglock, Mann second, introduced Ordinance No. 1638 entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 13.20 of the Lodi Municipal Code by Repealing and Reenacting Section 13.20.280, Relating to Electric Service - Rates" and that the costs be taken entirely from the Electric Utility Rate Stabilization Fund this year only by the following vote:

Ayes: Council Members - Mann, Pennino and Sieglock

Noes: Council Members - Davenport and Warner (Mayor)

Absent: Council Members - None

FILE NO. CC-51(d) and CC-149

7. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Warner called for the Public Hearing to consider appeal received from Byron Weisz regarding his application to install a pool at 1936 Edgewood Drive, Lodi.

Hearing Opened to the Public

1. Byron Weisz, 1936 Edgewood Drive, Lodi, spoke in support of his appeal. He requested that only his issue be addressed and that the neighbors not be dragged into this. He is in favor of the lot line adjustment, but only for his property. Since he can remember, it has been the property owners' responsibility to maintain the area from their property line to the top of the levee. A lot of the neighbors are not interested in acquiring that property; however, maybe it can be an option for them later. Mr. Weisz believes the levee was constructed after a flood in 1955 by the Army Corp. of Engineers. Further, some of the neighbors recall a letter that was sent to the property owners from the City some time ago authorizing property owners to use and maintain the land from the property line to the top of the levee; and
2. Dennis Swanson, 1930 Edgewood Drive, Lodi, bought his property in 1970 and has lived there since 1972. Mr. Swanson was also a 17 year member of the Parks and Recreation Commission. In fact, he was on the commission when the property was purchased and when it was determined it would be a wilderness area. The property owners have maintained the 15 feet from the property line to the top of the levee since the time they lived there. Many of the neighbors have made improvements to the area. He and some of the neighbors are vividly aware of a letter sent from the City to the property owners giving them privileges to use and maintain the subject area; however, no one at the City can locate it at this point. Because of this letter, he landscaped the area and built a gazebo to enhance the property. The sale of the property might be the best solution; however, to turn around and pay for the property that they have maintained over the years hurts a little. Mr. Swanson also questioned what the increase in the land would do to their tax base.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Sieglock, Warner second, unanimously continued the Public Hearing for 60 days for further research and possible solution.

FILE NO. CC-6

8. RECESS

Mayor Warner called for a ten-minute recess and the City Council meeting reconvened at approximately 9:20 p.m.

9. PUBLIC HEARINGS (Continued)

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Warner called for the Public Hearing to consider introduction of ordinance for certain Central City Revitalization incentives.

Hearing Opened to the Public

There was no one wishing to speak on this matter.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Pennino, Sieglock second, unanimously introduced Ordinance No. 1639 entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 13.12 of the Lodi Municipal Code by Repealing and Reenacting Section 13.12.195, Relating to Downtown Business District Capacity Fees; and Amending Chapter 15.04 of the Lodi Municipal Code by Repealing and Reenacting Section 15.04.55 Special Inspections-Downtown Business District".
FILE NO. CC-72, CC-149 AND CC-400

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Warner called for the Public Hearing to consider adopting an ordinance and resolution, amending the Planning Development Fee Schedule, to incorporate an Administrative Deviations Fee.

Hearing Opened to the Public

There was no one wishing to speak on the matter.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Mayor Warner, Sieglock second, took the following actions by the vote shown below:

Ayes: Council Members - Pennino, Sieglock and Warner (Mayor)

Noes: Council Members - Davenport and Mann

Absent: Council Members - None

- Adopted Resolution No. 96-140 entitled, "A Resolution of the Lodi City Council Repealing Resolution No. 93-46 as Currently Enacted, and Adopting This Resolution Implementing and Establishing Certain Planning and Development Fees Within The City of Lodi" (which will take effect 30 days from the final adoption of the ordinance below, Ordinance No. 1640, being November 2, 1996); and
- Introduced Ordinance No. 1640 entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 17.74 of the Lodi Municipal Code By Adding Thereto Section 17.74.080, Relating to Administrative Deviations Fee".

FILE NO. CC-6, CC-56, CC-149 AND CC-300

10. COMMUNICATIONS (CITY CLERK)

- a) City Clerk Perrin read the following ABC License:
1. Michael Lee Pickett to Joe and Sharon Metcalf, The Avenue Grill, 506 West Lodi Avenue, Lodi, On Sale Beer and Wine, Person to Person Transfer
FILE NO. CC-7(f)
- b) The following report was presented to the City Council:
1. Planning Commission report of September 9, 1996
FILE NO. CC-35(c)

11. REGULAR CALENDAR

- a) The City Council, on motion of Council Member Sieglock, Pennino second, adopted Resolution No. 96-141 taking the following actions:
- Entered into an agreement with DAVE Transportation Services, Inc. for transit services, beginning October 1, 1996 and extending for 2-3/4 years, and authorized the Mayor to sign on behalf of the City;
 - Authorized a pay-out arrangement for sick leave balances for affected personnel; and
 - Authorized a transitional arrangement for personal computer loans for two transit employees.
FILE NO. CC-50(b), CC-90 AND CC-300

12. ORDINANCES

None.

13. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

14. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Sieglock commented on the proposal to split the 209 area code. It is in Lodi's vital interest to maintain this area code for our City. Perhaps we should contact other cities to form an alliance in this regard and adopt a resolution. To change our area code will mean a significant cost to businesses. Council Member Sieglock wished everyone an enjoyable Grape Festival weekend. Further, he congratulated Tokay High School on its 25th anniversary. They had a good celebration last Saturday at which the Mayor spoke.
FILE NO. CC-28
- b) Council Member Mann recently had a discussion with a Sacramento Street property owner who was interested in doing some facade improvements. However, the incentive package for facade improvements for the Central City Revitalization district does not currently include Sacramento Street. Mr. Mann would like consensus from the Council to look into the possibility of including the property owners along Sacramento Street for that one incentive only. There is a definite need for facade improvements along Sacramento Street, more so than on School Street. City Manager Flynn indicated staff would look into the matter.
FILE NO. CC-72 AND CC-400

- c) Council Member Davenport thanked everyone for coming to the meeting and commented on the following matters: 1) Be ever mindful of gangs. The message is clear that Lodi does not want any gang activity in its community. The Police Department is covertly using cameras for surveillance at parks to monitor criminal activity; 2) Approved the Police Department salary increases tonight which will amount to approximately ½ million dollars over the next three years; 3) Informed the public that a delegation from Lodi's Sister City, Kofu, Japan will be in town this weekend. If anyone is interested in receiving information regarding this, contact the City Manager's Secretary, Barbara Reed for their schedule; 4) Attended the State of the City luncheon last Friday where the Mayor spoke on the status of many projects within the City. It was a very nice meeting; 5) Received a letter from someone in town about the quality of the TV service. This person's complaint was that the TV company has a franchise with the City, and it should provide good, quality programming. There was no audio at the last meeting, they often have double images--they need to stop the excuses and get it right. The Council meetings are important yet the public cannot watch it. They should look into it and resolve the problem.

FILE NO. CC-6

- d) Council Member Sieglock requested that City Manager Flynn provide information regarding the cost for improvements when he submits his report on the facade improvement issue on Sacramento Street. This will determine whether Council wants to do anything now or later, or not at all. Perhaps this issue will need to be discussed at a Shirtsleeve Session first to see what the interest is.

FILE NO. CC-72 AND CC-400

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Warner adjourned the meeting at approximately 10:25 p.m.

ATTEST:

Jennifer M. Perrin
City Clerk